

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

STATE OF NEBRASKA,  
STATE OF MISSOURI,  
STATE OF ARKANSAS,  
STATE OF IOWA,  
STATE OF KANSAS, and  
STATE OF SOUTH CAROLINA,

*Plaintiffs,*

v.

JOSEPH R. BIDEN, Jr.,  
in his official capacity as the President of  
the United States of America;

MIGUEL CARDONA, in his official  
capacity as Secretary, United States  
Department of Education; and

UNITED STATES DEPARTMENT OF  
EDUCATION,

*Defendants.*

No. 4:22-cv-01040

**PLAINTIFF STATES' MOTION FOR LEAVE TO EXCEED THE PAGE LIMIT  
FOR THE MEMORANDUM IN SUPPORT OF THEIR MOTIONS FOR  
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Under Local Rule 4.01(D), a party may file “any motion, memorandum, or brief which exceeds fifteen (15) pages” with leave of the Court. Plaintiff States respectfully request such leave for their memorandum in support of their motions for temporary restraining order and preliminary injunction (filed concurrently with this motion). Because the legal issues are complex and significant—involving the propriety of a federal agency taking the unprecedented step of unilaterally erasing more than a half trillion dollars in student loan debt—leave is appropriate.

As explained in Plaintiffs’ memorandum, Defendants’ unlawful Mass Debt Cancellation is already inflicting ongoing harms on Plaintiffs, and it threatens to imminently impose more injuries on them soon. To stop the existing harm—and prevent the quickly approaching injuries—Plaintiffs brought this suit. To show their entitlement to relief, the States must analyze Defendants’ authority under the Higher Education Relief Opportunities for Students Act of 2003 (HEROES Act)—an issue of first impression. That analysis will also touch on significant questions of constitutional concern.

In short, the issues raised in the States’ memorandum are complex and significant, and so they justify granting the States leave to exceed the 15-page limit. *See Monsanto Co. v. E.I. DuPont de Nemours & Co.*, 2012 WL 5397601, at \*9 (E.D. Mo. Nov. 2, 2012) (“Recognizing the complexity of the action and the significance of the issues involved, this Court granted [the] request for a substantial expansion of the briefing page limitations.”). For these reasons, Plaintiffs respectfully ask the Court to grant them leave to file a memorandum in support of their motions for temporary restraining order and preliminary injunction that exceeds 15 pages.

Dated: September 29, 2022

**DOUGLAS J. PETERSON**  
**Attorney General of Nebraska**

/s/ James A. Campbell  
James A. Campbell  
*Solicitor General of Nebraska*  
Office of the Nebraska Attorney General  
2115 State Capitol  
Lincoln, NE 68509  
(402) 471-2686  
Jim.Campbell@nebraska.gov  
*Counsel for Plaintiffs*

**LESLIE RUTLEDGE**  
**Attorney General of Arkansas**

/s/ Dylan L. Jacobs  
Nicholas J. Bronni  
*Solicitor General of Arkansas*  
Dylan L. Jacobs  
*Deputy Solicitor General of Arkansas*  
Office of the Arkansas Attorney General  
323 Center Street, Suite 200  
Little Rock, AR 72201  
(501) 682-2007  
Dylan.Jacobs@arkansasag.gov  
*Counsel for State of Arkansas*

**DEREK SCHMIDT**  
**Attorney General of Kansas**

/s/ Shannon Grammel  
Shannon Grammel  
*Deputy Solicitor General*  
Office of the Kansas Attorney General  
120 SW 10th Avenue, 2nd Floor  
Topeka, Kansas 66612  
(785) 296-2215  
shannon.grammel@ag.ks.gov  
*Counsel for State of Kansas*

Respectfully submitted,

**ERIC S. SCHMITT**  
**Attorney General of Missouri**

/s/ Michael E. Talent  
Michael E. Talent, #73339MO  
*Deputy Solicitor General of Missouri*  
Missouri Attorney General's Office  
Post Office Box 899  
Jefferson City, MO 65102  
(314) 340-4869  
Michael.Talent@ago.mo.gov  
*Counsel for Plaintiffs*

**JEFFREY S. THOMPSON**  
**Solicitor General of Iowa**

/s/ Samuel P. Langholz  
Samuel P. Langholz  
*Assistant Solicitor General*  
Office of the Iowa Attorney General  
1305 E. Walnut Street  
Des Moines, Iowa 50319  
(515) 281-5164  
jeffrey.thompson@ag.iowa.gov  
sam.langholz@ag.iowa.gov  
*Counsel for State of Iowa*

**ALAN WILSON**  
**Attorney General of South Carolina**

/s/ J. Emory Smith, Jr.  
J. Emory Smith, Jr.  
*Deputy Solicitor General*  
Office of the Attorney General of South Carolina  
P.O. Box 11549  
Columbia, SC 29211  
803-734-3680  
ESmith@scag.gov  
*Counsel for State of South Carolina*

**CERTIFICATE OF SERVICE**

I hereby certify that, on September 29, 2022, a true and correct copy of the foregoing and any attachments were filed electronically through the Court's CM/ECF system, to be served on counsel for all parties by operation of the Court's electronic filing system for all parties who have appeared and to be served on those parties who have not appeared in accordance with the Federal Rules of Civil Procedure or other means agreed to by the parties.

/s/ Michael E. Talent  
Michael E. Talent